

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TAJIRI, M.

Serial No. 10/700,467

Filed: November 5, 2003



Atty. Ref.: 4074-10

Group: 2827

Examiner: Lam, D.

For: NONVOLATILE VARIABLE RESISTOR, MEMORY
DEVICE, AND SCALING METHOD OF NONVOLATILE
VARIABLE RESISTOR

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Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated May 16, 2005 holding the subject matter of claims 1-24 to be non-obvious and patentably distinct from that of claims 25 and 26, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-24 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

June 1, 2005

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